

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed along with the Defendant Information Form, for each new criminal case.

FILED

Mar 09 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

CASE NAME:

USA v. Wilmer Arteaga

CASE NUMBER:

CR 3:22-cr-00101 WHO

Is This Case Under Seal?

Yes

No ☒

Total Number of Defendants:

1 ☒

2-7

8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes

No ☒

Venue (Per Crim. L.R. 18-1):

SF ☒

OAK

SJ

Is this a potential high-cost case?

Yes

No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes

No ☒

Is this a RICO Act gang case?

Yes

No ☒

Assigned AUSA

(Lead Attorney): Lauren M. Harding

Date Submitted: 3/9/2022

Comments:

Information associated with case number 3:21-mj-72026 (complaint filed on 12/27/2021).

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

FILED

Mar 09 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:22-cr-00101 WHO
Plaintiff,)	
v.)	VIOLATIONS:
WILMER ARTEAGA,)	21 U.S.C. §§ 841(a)(1) and (b)(1)(B)– Possession
Defendant.)	with Intent to Distribute 40 grams and more of
)	Fentanyl; 21 U.S.C. § 853 – Forfeiture Allegation
)	18 U.S.C. § 922(g)(1) – Felon in Possession of
)	Ammunition; 18 U.S.C. § 924(d) and 28 U.S.C.
)	§ 2461(c) – Forfeiture Allegation
)	
)	
)	
)	
)	
)	

I N F O R M A T I O N

The United States Attorney charges:

COUNT ONE: (21 U.S.C. § 841(a)(1) and (b)(1)(B) – Possession with Intent to Distribute 40 grams and more of Fentanyl)

On or about November 9, 2021, in the Northern District of California, the defendant,

WILMER ARTEAGA,

did knowingly and intentionally possess with intent to distribute 40 grams and more of a mixture and substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidinyl]

INFORMATION

propanamide (otherwise known as fentanyl), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(vi).

COUNT TWO: (18 U.S.C. § 922(g)(1) – Felon in Possession of Ammunition)

On or about November 9, 2021, in the Northern District of California, the defendant,

WILMER ARTEAGA,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed ammunition, namely, eighteen (18) rounds of assorted ammunition, including Smith and Wesson, ZQ1, and Winchester 9mm ammunition, and the ammunition was in and affecting interstate commerce, all in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION: (21 U.S.C. § 853(a); 18 U.S.C. § 924(d); and 28 U.S.C. § 2461(c))

The allegations contained in Count One of this Information are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853(a).

Upon conviction of COUNT ONE set forth in this Information, the defendant,

WILMER ARTEAGA,

shall forfeit to the United States all right, title, and interest in any property constituting and derived from any proceeds defendant obtained, directly or indirectly, as a result of such violations, and any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations, including but not limited to the following:

- a. \$3,428 in cash.

The allegations contained in Count Two in this Information are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

Upon conviction of COUNT TWO set forth in this Information, the defendant,

WILMER ARTEAGA,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the offense, including, but not limited to, the following property:

- a. Eight rounds of Smith and Wesson and ZQ1 ammunition;
- b. Ten rounds of Smith and Wesson, Winchester, and ZQ1 ammunition; and
- c. A 9mm black pistol with a Glock slide bearing serial number BSWX125 seized on the defendant's person on November 9, 2021, near 710 Ellis Street in San Francisco, California.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853(a); Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

DATED: March 9, 2022

STEPHANIE M. HINDS
United States Attorney

/s/ Lauren M. Harding
LAUREN M. HARDING
Assistant United States Attorney

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

Count I - 21 U.S.C. § 841(a)(1), (b)(1)(B) - Possession with
 Intent to Distribute 40 grams and more of Fentanyl

☐ Petty☐ Minor

Count II - 18 U.S.C. § 922(g)(1) - Felon in Possession of
 Ammunition

☐ Misdemeanor☒ Felony

PENALTY: Max. Penalties (Count I): Imprisonment for 5 years (min) to 40 years; \$5,000,000 fine; supervised release for 4 years (min) to life (max); \$100 special assessment; forfeiture.
 Max. Penalties (Count II): 10 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 special assessment; forfeiture.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ Wilmer Arteaga

DISTRICT COURT NUMBER
 3:22-cr-00101 WHO

FILED

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Mark B. Busby
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Drug Enforcement Administration

☐ person is awaiting trial in another Federal or State Court,
 give name of court

☐ this person/proceeding is transferred from another district
 per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on motion
 of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW
DOCKET NO.

☐ this prosecution relates to a
 pending case involving this same
 defendant

MAGISTRATE
CASE NO.

☒ prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

3:21-mj-72026

Name and Office of Person
 Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned) Lauren M. Harding

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior
 summons was served on above charges ▶

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☒ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes
 been filed? ☐ No

If "Yes"
 give date
 filed

**DATE OF
 ARREST** ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

**DATE TRANSFERRED
 TO U.S. CUSTODY** ▶

Month/Day/Year
 1/6/2022

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or
 warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: